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Ty Warner Hotels & Resorts, LLC
and H. Ty Warner

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SELENA STALEY, VIVIAN HOLMES, and OLIVE :
IVEY, on behalf of themselves and all others :
similarly situated, :

Plaintiffs, :

vs. :

FOUR SEASONS HOTELS AND RESORTS, :
HOTEL 57 SERVICES, LLC, HOTEL 57, LLC, TY :
WARNER HOTELS & RESORTS, LLC, and H. TY :
WARNER, :

Defendants. :
-----X

Case No. 22-cv-6781 (JSR)

**DEFENDANTS' FIRST SET OF
INTERROGATORIES**

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 33 and Local Civil Rule 33.3 of the United States District Court for the Southern and Eastern Districts of New York, Defendants Hotel 57 Services, LLC, Hotel 57, LLC, Ty Warner Hotels & Resorts, LLC, and H. Ty Warner (collectively, the "Warner Defendants") request that Plaintiffs Selena Staley, Vivian Holmes, and Olive Ivey (collectively, the "Plaintiffs") answer under oath the following interrogatories and deliver said answers to the offices of Freeborn & Peters LLP, 1155 Avenue of the Americas, 26th Floor. New York, NY 10036, within 30 days, as provided in Federal Rule of Civil Procedure 33.



PLEASE TAKE FURTHER NOTICE, the Warner Defendants expressly reserve, and do not hereby waive, any rights (including without limitation, to have Plaintiffs' claims in this action determined in arbitration) in connection with their Motion to Compel Arbitration, Dismiss Class Claims and Stay Action, dated November 9, 2022.

DEFINITIONS AND INSTRUCTIONS

A. The definitions set forth in Local Civil Rule 26.3 of the United States District Court for the Southern and Eastern Districts of New York (Uniform Definitions in Discovery Requests) are incorporated by reference as if set forth fully herein.

B. These interrogatories are continuing and impose upon Plaintiffs the obligations set forth in Fed. R. Civ. P. 26(e).

C. The terms "you," "your" or "Plaintiffs" means plaintiffs Selena Staley, Vivian Holmes, and Olive Ivey, or any of them, and their agents, attorneys, representatives, servants and all other persons acting on their behalf.

D. The term "concerning" means relating to, referring to, describing, evidencing or constituting.

E. The term "document" means all communication, writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations which are stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form. A draft or non-identical copy is a separate document within the meaning of this term. "Document" also means a collection of pages representing an electronic file, e-mails, e-mail attachments, text messages, instant messages, social media postings or communications, blogs, databases, word processor documents, spreadsheets, and graphics files, all of which must be produced in response hereto.

F. The term “Defendants” means defendants FSR International Hotels Inc. (incorrectly pled as Four Seasons Hotels and Resorts), Hotel 57 Services, LLC, Hotel 57, LLC, Ty Warner Hotels & Resorts, LLC, and H. Ty Warner, or any of them, and their agents, employees, attorneys, representatives, directors, officers, servants and all other persons acting on their behalf.

G. The term “The Hotel” means the hotel located at 57 East 57th Street, New York, New York, known as Four Seasons Hotel New York or Four Seasons New York.

H. The term “Complaint” or “Action” means the Complaint filed in the lawsuit pending in the United States District Court Southern District of New York, bearing civil action number 22-cv-6781 (JSR).

INTERROGATORIES

Interrogatory No. 1

Identify by name, address, telephone number and relationship to Plaintiffs (individually or collectively) all persons with knowledge of information concerning, and relevant to, the subject matter of this Action, and a brief description of that knowledge.

Interrogatory No. 2

Identify by name, address and telephone number all individuals who notified each of Plaintiffs that “[Plaintiff] and her similarly situated coworkers would be placed on unpaid furlough” as alleged in paragraphs 105, 106, and 107 of the Complaint.

Interrogatory No. 3

Identify by name, address and telephone number all individuals who “claimed in December 2020 that The Hotel would reopen by the end of April 2021” as alleged in paragraph 126 of the Complaint.

Interrogatory No. 4

Identify by name, address and telephone number all individuals who “stated that the Plaintiffs and those similarly situated would be back at work when consumer demand reached a certain threshold in order to reopen” as alleged in paragraph 131 of the Complaint.

Interrogatory No. 5

Identify by name, address and telephone number all individuals who “claim[ed] that the Plaintiffs and those similarly situated employees were still on an indefinite furlough” and “did not permit the Plaintiffs or other similarly situated employees from seeking temporary

employment to mitigate their hardship caused by Defendants without waiving their right to the No-Fault Separation Pay or the ability to maintain their jobs upon the reopening of The Hotel” as alleged in paragraph 143 of the Complaint.

Interrogatory No. 6

Identify by name, address and telephone number all individuals who informed Plaintiffs of any purported reason(s) for The Hotel’s closure, or failure to reopen, as alleged in the Complaint.

Interrogatory No. 7

Identify by name, address, telephone number and relationship to Plaintiffs (individually or collectively) all persons with knowledge of information concerning Plaintiffs’ (individually or collectively) actions concerning any attempt to resolve the allegations and claims in the Complaint through the Complaint, Arbitration & Review for Employees - C.A.R.E. procedure contained in the U.S. EmPact Employee Handbook with the Four Seasons Hotel New York.

Interrogatory No. 8

Identify by name, address, telephone number and relationship to Plaintiffs (individually or collectively) all persons with knowledge of information concerning, and relevant to, the subject matter (including the claims and/or defenses) in this Action whom Plaintiffs intend to call to testify as fact witnesses at trial in this Action.

Interrogatory No. 9

Identify by name, address and telephone number all witnesses to any alleged complaint(s), in any form, made by Plaintiffs (individually or collectively) to any of Defendants concerning the allegations and/or claims in this Action.

Interrogatory No. 10

Identify by name, address and telephone number all persons with knowledge of information concerning, and relevant to, the subject matter (including the claims and/or defenses) in this Action whom Plaintiffs intend to call to testify at trial as expert witnesses in this Action.

Interrogatory No. 11

Identify by name, address and telephone number all persons with knowledge of information concerning any complaint(s), in any form, made by Plaintiffs (individually or collectively) to any of Defendants concerning the allegations and/or claims in this Action.

Interrogatory No. 12

Identify all documents and physical evidence concerning, and relevant to, the subject matter (including the claims and/or defenses) in this Action, the custodian(s) of such documents and physical evidence, the location(s) of such documents and physical evidence and a general description of such documents and physical evidence.

Interrogatory No. 13

Identify all documents and physical evidence concerning Plaintiffs' (individually or collectively) actions concerning any attempt to resolve the allegations and claims in the Complaint through the Complaint, Arbitration & Review for Employees - C.A.R.E. procedure contained in the U.S. EmPact Employee Handbook with the Four Seasons Hotel New York, the custodian(s) of such documents and physical evidence, the location(s) of such documents and physical evidence and a general description of such documents and physical evidence.

Interrogatory No. 14

Identify by category each element of each of Plaintiffs' claims for damages in this Action and for each such category, identify the amount claimed and Plaintiffs' computation of such amount.

Dated: New York, New York
November 29, 2022

FREEBORN & PETERS LLP

By: /s/ Marc B. Zimmerman

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